



Policy Name:	TELEWARRANTS		
Policy #:	OP 4.49.5	Last Updated:	2022-03-03
Issued By:	INVESTIGATIVE SERVICES BUREAU	Approved By:	SURREY POLICE BOARD
		Review Frequency:	AS REQUIRED

RELATED POLICIES

OP 4.49.4 *Search Warrants and Production Orders*

1. PURPOSE

1.1. To provide guidance to Surrey Police Service (SPS) Members regarding obtaining and executing Telewarrants.

2. SCOPE

2.1. This policy applies to all SPS Members.

3. POLICY

3.1. Members will notify their Supervisor when they intend to seek a Telewarrant. Members and Supervisors will ensure the section of the *Criminal Code* they are seeking for judicial authorization allows for Telewarrants.

4. PROCEDURE

4.1. Where a Member has reasonable grounds to believe that an indictable offence has been committed, and a Judge or Judicial Justice is not available, and that it would be impracticable for the Member to appear personally before a Burnaby Justice Centre Justice, the Member may fax a warrant application to the Burnaby Justice Centre (see s. 487.1(1) of the *Criminal Code*).

Justice Centre

4.2. The Justice Centre is staffed from 0800hrs-midnight. Members must telephone the Justice Centre and confirm there is no Judicial Justice available to be seen in person. The Justice Centre 24-hour telephone number is 604-660-3263 and the fax number is 604-775-3355.

4.3. After hours, Members will:

- i. phone the Judicial Justice Center 24-hour phone number at 604-660-3263 and an after-hours (on call) Justice of the Peace will be notified; and
- ii. When contacted by the Judicial Justice, confirm that the Judicial Justice is not in the local area and therefore, it would be impracticable for the Member to attend in person.

4.4. The Member will complete a Provincial Court Registry (PCR) Form *Warrant to Search Issued by Telephone or Telecommunication that Produces a Writing* and a PCR Form: *Information to Obtain a Search Warrant by Telecommunication that Produces a Writing*.

Note: Members assigned to the Investigative Services Bureau with experience in writing judicial authorizations may write the Warrant and Information to Obtain on a MS Word document with the specific PCR form wording for the Telewarrant sought.

4.5. The Member must have the following information available prior to contacting the Judicial Justice:

- i. The circumstances that make it impracticable for the Member to appear personally before a Judge or Judicial Justice;
- ii. The indictable offence alleged to have been committed;
- iii. The items alleged to be liable to seizure;
- iv. The description of the place or building to be searched;
- v. The Member's reasonable grounds to believe that items liable to seizure in respect of the offence will be found in the building or place to be searched;
- vi. Any previous applications made to a Judge or Judicial Justice for a Telewarrant or any other Search Warrant with regard to the same matter, that the Member is aware of;
- vii. If the Search Warrant is required to be executed at night, the reasons for doing so; and
- viii. The date and hours during which the search is to be conducted.

4.6. The Member will fax the Telewarrant to the number provided by the Judicial Justice. The Member will verify that the date and time on the Fax machine are correct. Any discrepancies must be corrected prior to faxing the document or documented in the Member's notebook.

4.7. If an application for a Search Warrant is declined, a Member will indicate on any subsequent application that:

- i. a previous application was declined; and,
- ii. any changes that have been made to the current application.

Supervisor Responsibilities

4.8. Prior to authorizing a Member's application for a Telewarrant, the Member's Supervisor must complete a search warrant "Supervisor Check Sheet" for the specific authorization sought showing all legal requirements have been addressed in the application.

Execution

4.9. Members must refer to OP 4.49 *Warrants and Searches* for procedural requirements regarding the execution of a warrant.

Applications where Telewarrants are not available

4.10. The following authorizations cannot be obtained by Telewarrant:

- i. Production Orders under sections 487.014 to 487.018 of the *Criminal Code*;
- ii. Firearms Warrants under s. 117.04 of the *Criminal Code*;
- iii. Tracking Warrants under s. 492.1(1) and s. 492.1(2) of the *Criminal Code*;
- iv. Transmission Data Recorder Warrants under s. 492.2 of the *Criminal Code*; and
- v. Preservation Orders under s. 487.013 of the *Criminal Code*.

APPENDIX A: DEFINITIONS

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“PCR” means the Provincial Court Registry.

“SPS” means Surrey Police Service.

“Supervisor” means Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other Member acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

“Telewarrant” means information to obtain a warrant submitted by telephone or other means of telecommunication under s. 487.01(7) of the *Criminal Code*.

APPENDIX B: REFERENCES

Criminal Code, R.S.C. 1985, c. C-46